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November 9, 2022

The Honorable John R. Tunheim  
Chief U.S. District Judge  
District of Minnesota  
United States District Court  
300 South Fourth Street  
Minneapolis, MN 55415

Re: *In re Pork Antitrust Litig.*, No. 18-cv-01776 JRT/JFD  
Unopposed Request for Additional Words for Reply in Support of Class Certification

Dear Judge Tunheim:

We write on behalf of Consumer Indirect Purchaser Plaintiffs (“Consumer Plaintiffs”) to respectfully request that the Court increase the word limit for Consumer Plaintiffs’ forthcoming reply brief in support of class certification, which is due to be filed on November 18, 2022.<sup>1</sup>

On April 29, 2022, the Court granted a request by Consumer Plaintiffs, Direct Purchaser Plaintiffs, and Commercial and Institutional Indirect Purchaser Plaintiffs (collectively, “Class Plaintiffs”) to exceed the word limits prescribed by D. Minn. LR 7-1(f)(1)(B)-(C) for their briefs in support of their class certification motions.<sup>2</sup> The Court ordered that each putative class was allowed 24,000 total words for their opening and reply briefing, and non-settling Defendants (“Defendants”)<sup>3</sup> were allowed 24,000 words for their oppositions to each of the three putative class’s opening briefs.<sup>4</sup> Subsequently, the Court

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<sup>1</sup> Plaintiffs submit this letter in accordance with the Court’s Local Rules, which state in relevant part: “A party who seeks to exceed these [page or word count] limits must first obtain permission to do so by filing and serving a letter of no more than two pages requesting such permission.” LR 7.1(f)(1)(D). The Court’s practice pointers and preferences further notes that “[p]age or word count extensions may be in a form of a motion or a letter and must be requested in advance.” Judge John R. Tunheim, Practice Pointers and Preferences 1, <https://www.mnd.uscourts.gov/sites/mnd/files/JRT.pdf>.

<sup>2</sup> ECF Nos. 1273-1274.

<sup>3</sup> Clemens Food Group, LLC, Clemens Family Corp., Hatfield Quality Meats (collectively, “Clemens”); Hormel Foods Corp., Hormel Foods, LLC (collectively, “Hormel”); Seaboard Foods LLC (“Seaboard”); Triumph Foods, LLC (“Triumph”); and Tyson Foods, Inc., Tyson Fresh Meats, Inc. and Tyson Prepared Foods, Inc. (collectively, “Tyson”).

<sup>4</sup> ECF Nos. 1273-1274.

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granted Defendants' request to re-allocate the word count among their class certification briefs, allowing Defendants to file four opposition briefs, including one omnibus brief and three other briefs responding to each putative class individually.<sup>5</sup>

Defendants' reliance on an omnibus brief, however, has in effect increased the words to which Consumer Plaintiffs must respond. Instead of having to respond to a total of 24,000 words, Consumer Plaintiffs must respond to the 17,286 words in the omnibus opposition plus the 15,920 words in the opposition specific to the Consumer Plaintiffs.<sup>6</sup> This new total of 33,206 words is 9,206 more words than Consumer Plaintiffs had anticipated.

When Consumer Plaintiffs were expecting to respond to 24,000 words total, Consumer Plaintiffs reserved 10,372 words—or 43.22% of their 24,000 word limit—for reply.<sup>7</sup> Applying the same reserve rate to the extra 9,206 words to which Consumer Plaintiffs now need to respond equates to an extra 3,978 words on reply. So Consumer Plaintiffs respectfully request 3,978 additional words to enable them to respond in full.

Counsel for Consumer Plaintiffs have conferred with counsel for Defendants, and counsel for Defendants have stated that Defendants do not oppose this request.<sup>8</sup> Accordingly, this request is submitted unopposed.

In sum, Consumer Plaintiffs respectfully ask that the Court grant their request to increase the word limit of their reply in support of class certification by 3,978 words.

Sincerely,

HAGENS BERMAN SOBOL SHAPIRO LLP

/s/ Shana Scarlett

Shana Scarlett, Partner

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<sup>5</sup> ECF No. 1440.

<sup>6</sup> ECF No. 1441 (omnibus opposition); ECF No. 1460 (Consumer Plaintiffs-specific opposition).

<sup>7</sup> ECF No. 1343.

<sup>8</sup> Email from L. Strang, on behalf of Defendants, to S. Scarlett (Nov. 9, 2022).